REMARKS

Claims 1-13 are pending and stand rejected. Applicant respectfully requests reconsideration of the present application in view of the amendments set forth above and the remarks below.

Amendments to the Claims

Applicant amends independent claim 1 to recite a plurality of templates corresponding to features on a facial image, and to clarify that each template is user-adjustable to allow the user to specify features on the facial image. Independent claim 6 is also amended to clarify that the movable shapes are pre-configured. Support for these amendments can be found throughout the specification, for example, at page 11, lines 4-26. No new matter is added.

Claim Rejections

Independent Claim 1

The Examiner continues to reject claims 1-5 pursuant to 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,293,284 of Rigg. Independent claim 1 recites a makeover method that includes the steps of configuring a computer to receive a facial image, providing a plurality of feature templates corresponding to features on a facial image, each template being user-adjustable to allow the user to specify features on the facial image, providing a catalog of beauty products enabling the user to specify particular products to apply to the specified features, and enabling a user to modify the image to form a made over facial image having the particular products applied to the specified features, thereby enabling the user to visualize an intended makeover.

Rigg discloses a virtual makeover that utilizes digital scanning software to *electronically* identify those areas of a facial image upon which color cosmetics can be applied. This is achieved by identifying the natural skin color of the person in the facial image, thereby

establishing a "color matching facial foundation for building the first stage of a color makeover." (Col. 2, lines 62-63.) The user can then select from a stored set of colors that match the person's skin type, thereby automatically applying lipstick, eye shadow, etc. to areas *electronically identified* by the software program. The disclosed makeover method does not allow the user to select and outline specific facial features, as taught and claimed by the present invention.

The Examiner relies on Col. 37-40 of Rigg as disclosing the step of providing user-adjustable feature templates that allow a user to specify features on a facial image. However, Col. 1, lines 37-40 of Rigg cite U.S. Patent Nos. 5,854,850, 5,825,941, and 5,687,259 of Linford et al. as disclosing "a system for digital image capture of a particular person's face and software to manipulate facial structures." This passage is set forth in the "Background of the Invention" section of Rigg, and Rigg *distinguishes* the cited Linford patents. Thus, Rigg does not teach or even suggest a makeover method having a plurality of feature templates that correspond to features on a facial image, and that are user-adjustable, as required by claim 1 of the present invention. Rigg merely distinguishes prior art patents having "software to manipulate facial structures." Moreover, the referenced "software to manipulate facial structures" does not include any type of user-adjustable feature templates. Rather, the software taught by Linford is effective to adjust the *shape* of a person's face, as will be discussed in more detail below. Linford does not teach or even suggest providing a plurality of features templates, and allowing the user to adjust the templates to specify features on a facial image.

Accordingly, Rigg does not teach or even suggest the makeover method recited in claim 1, and therefore claim 1 is not anticipated by Rigg and represents allowable subject matter. Claims 2-5 are allowable at least because they depend from an allowable base claim.

Independent Claim 6

The Examiner rejects independent claim 6 pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,854,850 of Linford et al. (Linford). Claim 6 recites a method for outlining features in a digital image that includes the steps of receiving an image from a user, providing a plurality of pre-configured movable shapes for outlining features in the image, each

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shape having lines connected by points which together form the shape, and enabling the user to select and move a point on the movable shape to move each line so as to form a new shape that is displayed in connection with the outlined features.

Linford does not teach or even suggest a method for outlining features in a digital image as required by claim 6 of the present invention. Rather, Linford discloses methods for modifying actual features in an image. Col. 14, lines 34-40 of Linford, as relied on by the Examiner, describe a contour tool for use in editing images, stating that "the contour tool has similarities to a blend tool, but utilizes pixel manipulation to pull pixels from one area to another." This allows the user to move *pixels* to change the shape of, for example, a persons' chin or lips. The pixels can be pulled by dragging a curve that is positioned along the part of the body to be edited. (See Col. 14, lines 50-60.) Linford does not teach or even suggest providing a plurality of *pre-configured movable shapes*, much less movable shapes formed from a *plurality of lines* connected by a *plurality of points* which together form the shape. The curve that is positioned along the body part to be edited, as taught by Linford, is formed from a single line having only two ends points, and the shape of the line can only be changed by adjusting the curvature of the line.

In the pending Office Action, the Examiner also states that Applicant admitted, on page 9 of the Amendment and Response filed on August 27, 2003, that Linford discloses movable shapes comprised of a plurality of lines, and that the user is able to move each line to modify a feature shape to a new shape. This is incorrect, and the Examiner appears to have misinterpreted Applicant's arguments. In the Amendment and Response filed on August 27, 2003, Applicant stated:

> Linford discloses a method for *modifying* a facial image – the
> method does not include the step of providing a plurality of
> *movable shapes* for outlining features on an image. Linford is
> specifically limited to the use of pen for drawing lines that are
> movable to modify a particular facial feature. For example, the
> pen can be used to draw a line adjacent to a person's nose which is
> then relied on to change the shape of the nose. Movable *shapes* for
> outlining facial features are not provided.

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The Examiner has incorrectly interpreted this argument to mean that Linford discloses movable shapes for outlining features on an image. While Linford discloses the use of a pen to draw lines, the lines are not *pre-configured movable shapes* that can be modified. The lines are used to modify the image itself. In other words, as described above, the lines are used to drag pixels in the image from one area to another, thus allowing, for example, the actual shape of a person's lips in the image to be modified. Linford does not teach or even suggest providing a pre-configured shape formed from a plurality of lines and points, and that can be adjusted to outline a feature on a person's face.
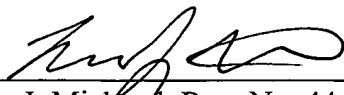
Accordingly, claim 6 is not anticipated by Linford and therefore represents allowable subject matter. Claims 7-13 are allowable at least because they depend from an allowable base claim.

Conclusion

In view of the amendments and remarks above, Applicant submits that claims 1-13 are in condition for allowance. Applicant encourages the Examiner to telephone the undersigned in the event that such communication might expedite prosecution of this matter.

Respectfully submitted,

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